

The Honorable Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PACIFIC SOUND RESOURCES, a
Washington non-profit corporation; and THE
PORT OF SEATTLE, a Washington
municipal corporation,

Plaintiffs,

v.

THE BURLINGTON NORTHERN AND
SANTA FE RAILWAY COMPANY, a
Delaware corporation; J.H. BAXTER & CO.,
a California limited partnership; J.H.
BAXTER & CO., a California corporation;
and J.H. BAXTER & CO., INC., a California
corporation,

Defendants.

No. C04-1654L

NOTICE OF APPEAL

Pursuant to Federal Rule of Civil Procedure 4(a), notice is hereby given that plaintiffs
The Port of Seattle and Pacific Sound Resources appeal to the United States Court of Appeals for
the Ninth Circuit from the Court's order dated August 17, 2005 (District Court Docket Number
38) dismissing the Port of Seattle's claims, the Court's order dated February 6, 2006 (Docket
Number 59) dismissing Pacific Sound Resources' claims, and the Court's Judgment dated
February 15, 2006 (Docket Number 61). This appeal is subject to the Court's ruling on
plaintiffs' Motion for Reconsideration dated February 21, 2006 (Docket Number 62) seeking
remand of this removed action to state court.

NOTICE OF APPEAL - 1
Case No. C04-1654L

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DATED this 8th day of March, 2006.

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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